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18 Attorneys for Defendant, CITY OF SAN JOSE



13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16
17 SAN JOSE ENTERTAINMENT GROUP,
18 INC.,

19 Plaintiff,

20 v.

21 THE CITY OF SAN JOSE, and DOES 1-
22 25, inclusive,

23 Defendants.

24 Case Number: CV 11-00207 JW

25 **STIPULATION AND [PROPOSED]
26 ORDER TO CONTINUE HEARING ON
27 DEFENDANT'S MOTION TO DISMISS
AND TO HEAR PLAINTIFF'S
SUMMARY JUDGMENT MOTION ON
SAME DAY**

28 Plaintiff and Defendant in the above-entitled matter hereby stipulate, and jointly
request, that the Court continue the hearing on Defendant's Motion to Dismiss and to have
Plaintiff's Cross-Motion heard on the same day. In support of this stipulation, the parties
hereby submit the following as good cause for granting this request:

1 1. In the Court's Order Denying Preliminary Injunction filed on February 16,
2 2011 (Docket No. 15), the Court set Defendant's Motion to Dismiss for hearing on April 11,
3 2011 at 9:00 a.m. in Courtroom 8, before the Honorable Judge James Ware.

4 2. Due to a scheduling conflict, counsel for Defendant, Michael J. Dodson, will
5 be unable to appear at the hearing of Defendant's Motion to Dismiss on that date.

6 3. Counsel for Plaintiff, George W. M. Mull, has been informed of Defendant's
7 scheduling conflict and has no objection to continuing the hearing of Defendant's Motion
8 to Dismiss.

9 4. Counsel for Plaintiff and Defendant are available for hearing on Defendant's
10 Motion to Dismiss on May 2, 2011 at 9:00 a.m.

11 5. Plaintiff anticipates filing a Summary Judgment Motion and would like said
12 Motion to be heard on the same date and time as Defendant's Motion to Dismiss.
13 Counsel for Defendant has no objection to this request.

14 Accordingly, the parties hereby jointly request that the Court continue the hearing
15 on Defendant's Motion to Dismiss to May 2, 2011 at 9:00 a.m. and further request that
16 Plaintiff's Summary Judgment Motion be placed on the Court's calendar for the same date
17 and time.

19 Dated: March 4, 2011

Respectfully submitted,

20 By: /s/ George W. M. Mull
21 GEORGE W. M. MULL
Attorney at Law

22 Attorney for Plaintiff, SAN JOSE
23 ENTERTAINMENT GROUP, INC.

24 Dated: March 4, 2011

RICHARD DOYLE, City Attorney

25 By: /s/ Michael J. Dodson
26 MICHAEL J. DODSON
Deputy City Attorney

27 Attorney for Defendant,
28 CITY OF SAN JOSE

1 **DECLARATION OF CONSENT**
2

3 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
4 penalty of perjury that concurrence in the filing of this document has been obtained from
5 counsel for Plaintiff, George W. M. Mull.

6 Dated: March 4, 2011

7 _____ /s/ Michael J. Dodson _____
MICHAEL J. DODSON
Sr. Deputy City Attorney

8

9 **ORDER**

10 Due to the Court's impending relocation of Chambers to San Francisco, the Court is not
11 available to hear the Motion on May 2, 2011. The hearing remains on calendar as previously
12 scheduled for **April 11, 2011 at 9:00 AM.**

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16 **IT IS SO ORDERED.**

17

18 Dated: March 9, 2011

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HONORABLE JAMES WARE
United States District Court Judge